

07/03



# RIGHT OF WAY AND UTILITIES DIVISION

---

## RIGHT OF WAY ACQUISITION AND ASSOCIATED SERVICES

### CONSULTANT PREQUALIFICATION QUESTIONNAIRE



## **ACQUISITION OF RIGHT OF WAY AND ASSOCIATED SERVICES**

### **I. Purpose**

The Virginia Department of Transportation (VDOT) intends to request proposals (RFP) from Right of Way consulting firms who wish to be considered for providing services necessary for the acquisition of rights of way on transportation construction and maintenance projects. Only those firms that have submitted the necessary information outlined below and have been approved as being prequalified will be considered for a contract in response to a request for proposal (RFP).

### **II. Minimum Qualifications**

- A. It will be required of interested persons, corporations, or partnerships expressing interest that the services requested, relating specifically to rights of way acquisition, be performed according to current United States Department of Transportation/Federal Highway Administration guidelines and policies, Virginia Department of Transportation policies and procedures, and applicable federal and state laws. The consultant firms shall have a demonstrated ability to perform these services according to federal and state laws, rules, regulations, and policies.

As a part of or in addition to the above, the firm shall have personnel with experience in the following:

#### **Appraisals**

Personnel proposed to be used in the appraisal of the proposed right of way acquisition shall have a minimum of five years experience in the appraisal of real estate for public acquisition. This shall include the appraisal of partial acquisitions as well as entire properties. The

appraiser shall also have an active Virginia Certified General License or out of state appraisers must have a reciprocal Certified General License.

#### Relocations

Personnel proposed to be used in the relocations of families and businesses involved in the acquisition of property (real, personal, and mixed) for the construction, reconstruction, and maintenance of the public highways of the Commonwealth shall have a minimum of two years experience in coordinating relocations in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended (49 CFR Part 24 and Title 25, Chapter 6, 1950 Code of Virginia).

#### Negotiations

Personnel proposed to be used in the negotiation of right of way acquisition shall have a minimum of two years experience, the ability to read and interpret complex highway plans and to write property descriptions utilizing same.

#### Project Manager

The proposed project manager may be a key person performing one or more of the above functions. The project manager shall have a minimum of five years experience in the coordination of right of way acquisition activities.

*Note: For any individual or firm proposed to perform work in any of the above disciplines who is not a direct salaried employee or a subsidiary, there must be a signed letter of intent included in the submission.*

- B. The firm shall be adequately staffed either through its employees or through contractual arrangements so that it can acquire right of way on a 50-parcel project, involving four relocations, within a nine-month time frame.
- C. The firm shall have an overhead rate, average hourly rates, etc., that meet the pre-award audit criteria of VDOT's Fiscal Division. Financial reports, including overhead rates, must have been prepared by a CPA following the Federal Acquisition Regulations (FAR). (See Attachment A for a checklist of complete requirements.)

III. Application for Prequalification

The firm shall specifically address the following in its submission:

- 1. Submit a detailed statement indicating the organizational structure under which the firm proposes to conduct business. If more than one firm is involved in this proposal, state the type of arrangement between the firms and the percentile of work to be performed by each.
- 2. Give names and detailed addresses of all affiliated and/or subsidiary companies. Indicate which companies are subsidiaries. If a situation arises in responding to this questionnaire where you are unsure whether another firm is or is not an affiliate, doubt should be resolved in favor of affiliation and the firm should be listed as an affiliate.
- 3. Indicate KEY PERSONNEL ONLY who will be assigned to the projects and give the experience record of each. Key personnel are defined as those to whom the project will be assigned and who will be performing the actual right of way services.

4. Provide information that will indicate your firm's ability to meet the time schedule for this work. It is anticipated that multiple assignments will be occurring during the life of the contract.
5. Indicate your previous experience with VDOT and current work with VDOT including the projects, the Division managing the projects, the amount of outstanding fee remaining, and the estimated date of completion. Also, include your estimated fees for any projects that the firms have been selected but not executed an agreement. Work of affiliated and/or subsidiary companies is to be included. (Current work with VDOT should only include right of way acquisition activities.)
6. Furnish copies of current GSA Forms 254 and 255 for all firms involved. The Form 255 must specify the number of personnel by discipline for each office where the work is to be performed. List only the personnel assigned to the office(s) at the time of this submission.
7. Furnish any other information you wish that would indicate your qualifications to perform the right of way work required under the proposed procurement.
8. Indicate if your firm, subconsultant, or any person associated therewith in the capacity of owner, partner, director, officer or any position involving the administration of federal funds:

is currently under suspension, debarment, voluntary exclusion of determination of ineligibility by any federal agency;

has been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three years;

does have a proposed debarment pending; or

has been indicted, convicted, or had a civil judgment rendered against it or them by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three years.

Any of the above conditions will not necessarily result in denial of an award but will be considered in determining offer or responsibility. For any condition noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in federal criminal prosecution or administrative sanctions.

9. Send to: Mr. S. A. Waymack, Director  
Right of Way and Utilities Division  
Attn: Mrs. Vicki B. Campbell  
Virginia Department of Transportation  
1401 East Broad Street  
Richmond, Virginia 23219
10. Complete the State Procurement Memorandum Questionnaire for Participation of Small Businesses and Businesses owned by Women and Minorities in State Procurement Activities (Attachment B) indicating past participation and any planned participation.

Firms interested in being considered must reply with three copies giving qualifications, experience, and availability for performing the required services.

#### IV. Expiration

Prequalified firms are required to submit for renewal once every two years or on other intermediate occasions as may be considered necessary.

V. Performance Evaluation

VDOT's District Right of Way and Utilities Managers are required to complete a Performance Evaluation on each prime consultant completing a contract. This report will be used as a basis for determining the consultant's performance and ultimately determining the consultant's prequalification status.

VI. Appeals

If it is determined that the consultant firm is not qualified to perform right of way acquisition services, they may request a meeting with the Director of the Right of Way and Utilities Division. At that time they may provide additional information regarding the reasons VDOT did not find the consultant to be qualified. The Director of the Right of Way and Utilities Division shall provide his final determination in writing within five days.

This final decision may be appealed in writing to the Commonwealth Transportation Commissioner.

The Department assures compliance with Title VI requirements of nondiscrimination in all activities pursuant to its procurements.

Approved:

---

S. A. Waymack  
Director, Right of Way and Utilities Division

---

Effective Date

# ATTACHMENT A

## CHECKLIST FOR FINANCIAL INFORMATION FROM CONSULTANT

1. Current actual or average hourly rates (unloaded/bare rates) by classification (certified by responsible official).
2. Schedule of General and Administrative expenses supporting an overhead rate developed by the consultant for FYE(s) requested, indicating all individual accounts and amounts, including any FAR (Federal Acquisition Regulation) non-allowables such as interest, entertainment, etc.
3. Complete CPA report(s) for requested FYE(s). The consultant should submit a FAR overhead audit, or state or federal overhead audit if available, for use as a provisional rate on this project. An indirect cost rate (overhead) established according to FAR and audited by a cognizant government agency or independent CPA firm will be required.
4. Full explanation of any corporate allocation, indicating accounts, amounts and method of allocation.
5. Complete description of accounting system, list of officers/principals, organizational chart, chart of accounts, and company brochures.
6. Development of rates for in-house computer, reproduction or other rates used by the firm.
7. Relationship between firm and lessor for rental charges. If common control exists, financial information (Balance Sheet, Income Statement, and Tax Return) of the lessor will be required.
8. Federal Employer Identification Number.
9. Copy of current payroll register.

Questions regarding audit procedures should be directed to  
Mr. Judson Brown, External and Construction Audit Division Administrator  
(804) 225-3597.



## ATTACHMENT A

CLASSIFICATION	AVERAGE WAGE RATE/ PER CLASSIFICATION +	PAYROLL BURDEN & OVERHEAD + FACILITIES COST OF CAPITAL +	FIXED BILLABLE RATE	FBR TO ESTABLISH NET FEE
PARTNER/PRINCIPAL				
RIGHT OF WAY MANAGER				
APPRAISER				
APPRAISER TECHNICIAN				
RIGHT OF WAY TECHNICIAN				
RIGHT OF WAY SPECIALIST				
RELOCATION SPECIALIST				
RELOCATION SPECIALIST TECH.				
DRAFTSMAN				
SECRETARY				
OTHER (SPECIFY)				

\*NOTE: FBR TO ESTABLISH NET FEE CANNOT INCLUDE FACILITY COST OF CAPITAL.

\*NOTE: FIXED BILLABLE RATES TO BE DETERMINED IN ACCORDANCE WITH VDOT POLICY.

## **ATTACHMENT B**

### **PARTICIPATION IN STATE PROCUREMENT TRANSACTIONS** **BY** **SMALL BUSINESSES AND BUSINESSES OWNED BY WOMEN AND MINORITIES**

The following definitions will be used in completing the information required by one or more of the three categories of businesses contained in this Appendix as applicable to your firm: (1) Participation by Small Businesses; (2) Participation by Businesses Owned by Women; and (3) Participation by Businesses Owned by Minorities.

#### **DEFINITIONS**

**Period** is the specified 12-month period for which the information provided in this list is applicable and valid. The period will be specified as month and year.

**Firm Name, Address and Phone Number** is the name, address and business phone number of the small business, women-owned business or minority-owned business with which the offeror has contracted or done business over the specified period or plans to involve in this contract, as applicable.

**Contact Person** is the name of the individual in the specified small business, women-owned business or minority-owned business who would have knowledge of the specified contracting and would be able to validate the information provided in this list.

**Type Goods or Services** is the specific goods or services the offeror has contracted for from the specified small, women-owned or minority-owned business over the specified period of time or plans to use in the performance of this contract, as applicable. The offeror will asterisk (\*) those goods and services that are in the offeror's primary business or industry.

**Dollar Amount** is the total dollar amount (in thousands of dollars) the offeror has contracted for or has done business with the listed firm during the specified period of plans to use on this contract, as applicable.

**% Total Company Expenditures for Goods and Services** is calculated by dividing the dollar amount of business conducted or contracted for with the indicated firm over the specified period by the total expenditure of the offeror over the specified period for goods and services.

**% of Total Contract** is calculated by dividing the estimated dollars planned for the indicated firm on this contract by the total offeror estimated price of this contract.

## **1. PARTICIPATION BY SMALL BUSINESSES**

- A. Offeror certifies that it ☐ is ☐ is not a small business concern. For the purpose of this procurement, a small business is a concern, including its affiliates, that is independently owned and operated, is not dominant in the field of operation in which it is contracting and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the United States Small Business Administration.
- B. List small businesses with which the offeror has contracted or done business and dollar amounts spent with each of these businesses in the most recent 12 month period for which data are available. Offerors are encouraged to provide additional information and expand upon the following format:

PERIOD: From: \_\_\_\_\_ To: \_\_\_\_\_

[illegible]

## **1. PARTICIPATION BY SMALL BUSINESSES**

(Continued)

- C. Describe offeror's plans to involve small businesses in the performance of this contract either as part of a joint venture, as a partnership, as subcontractors or as suppliers. Offerors are encouraged to provide additional information and expand upon the following format:

[illegible]

**\*\*\* THIS REFLECTS WHAT PERCENTAGE OF THE 100% VALUE OF THIS CONTRACT YOU WILL AWARD TO SMALL BUSINESSES \*\*\***

## 2. PARTICIPATION BY BUSINESSES OWNED BY WOMEN

- A. Offeror certifies that it ☐ is ☐ is not a women's business enterprise or womenowned business. For the purpose of this procurement, a women-owned business is a concern that is at least 51 percent owned by a woman or women who also control and operate it. In this context, "control" means exercising the power to make policy decisions, and "operate" means being actively involved in the day-to-day management.
- B. List businesses owned by women with which the offeror has contracted or done business and dollar amounts spent with each of these businesses in the most recent 12month period for which data are available. Offerors are encouraged to provide additional information and expand upon the following format:

PERIOD: From: \_\_\_\_\_ To: \_\_\_\_\_

[illegible]

## (Continued)

[illegible]

**\*\*\* THIS REFLECTS WHAT PERCENTAGE OF THE 100% VALUE OF THIS CONTRACT YOU WILL AWARD TO SMALL BUSINESSES \*\*\***

### 3. PARTICIPATION BY BUSINESSES OWNED BY MINORITIES

- A. Offeror certifies that it ☐ is ☐ is not a minority business enterprise or minority-owned business. For the purpose of this procurement, a minority-owned business is a concern that is at least 51 percent owned and controlled by one or more socially and economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, African Americans, Hispanic Americans, Asian Americans, American Indians, Eskimos, and Aleuts.
- B. List businesses owned by minorities with which the offeror has contracted or done business and dollar amounts spent with each of these businesses in the most recent 12month period for which data are available. Offerors are encouraged to provide additional information and expand upon the following format:

PERIOD: From: \_\_\_\_\_ To: \_\_\_\_\_

[illegible]

### **3. PARTICIPATION BY BUSINESSES OWNED BY MINORITIES**

(Continued)

- C. Describe offeror's plans to involve minority businesses in the performance of this contract either as part of a joint venture, as a partnership, as subcontractors or as suppliers. Offerors are encouraged to provide additional information and expand upon the following format:

[illegible]

**\*\*\* THIS REFLECTS WHAT PERCENTAGE OF THE 100% VALUE OF THIS CONTRACT YOU WILL AWARD TO SMALL BUSINESSES \*\*\***